

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY JF D.C.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENN. MEMPHIS

PLAN EXPRESS, INC.,**Plaintiff,**

v.

JOHN B. FURMAN,**Defendant.****No. 2:05-CV-02339-JPM-dkv**

JOINT ~~PRELIMINARY~~ SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held August 11, 2005, via telephone and e-mail. Present were Mary Katherine Hovious, counsel for plaintiff, and Amy M. Pepke, counsel for defendant. At the conference, the following dates were established as the final dates for:

| | |
|--|--------------------|
| INITIAL DISCLOSURES PURSUANT to Fed. R. Civ. P. 26(a)(1): | August 22, 2005. |
| JOINING PARTIES: | October 25, 2005. |
| AMENDING PLEADINGS: | October 25, 2005. |
| INITIAL MOTIONS TO DISMISS: | November 25, 2005. |
| COMPLETING ALL DISCOVERY: | February 24, 2006. |
| (a) DOCUMENT PRODUCTION: | February 24, 2006. |
| (b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: | February 24, 2006. |

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

- | | | |
|-----|--|--------------------|
| (1) | DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: | December 23, 2005. |
| (2) | DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION | January 23, 2006. |
| (3) | EXPERT WITNESS DEPOSITIONS: | February 24, 2006. |

FILING DISPOSITIVE MOTIONS: March 24, 2006.

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial, and the trial is expected to last three (3) days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

Date: August 18, 2005

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Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02339 was distributed by fax, mail, or direct printing on August 19, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT